

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing 30 March 2005 (30-03-2005)
(day/month/year)

Applicant's or agent's file reference
451-109PCTA

FOR FURTHER ACTION
See paragraph 2 below

International application No.

PCT/CA2004/002082

International filing date (day/month/year)

06 December 2004 (06-12-2004)

Priority date (day/month/year)

04 December 2003 (04-12-2003)

International Patent Classification (IPC) or both national classification and IPC
IPC 7 H04N-7/173 H04L-12/16 H04L-12/66

Applicant
DIGITAL ACCELERATOR CORPORATION ET AL

1. This opinion contains indications relating to the following items :

- | | | |
|-------------------------------------------|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> [X] | Box No. I | Basis of the opinion |
| <input type="checkbox"/> [] | Box No. II | Priority |
| <input type="checkbox"/> [] | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> [] | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> [x] | Box No. V | Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement. |
| <input type="checkbox"/> [] | Box No. VI | Certain documents cited |
| <input type="checkbox"/> [] | Box No. VII | Certain defects in the international application |
| <input checked="" type="checkbox"/> [x] | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/CA
Canadian Intellectual Property Office
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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of :
 - a. type of material
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statement that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments :

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Box No. V **Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

| | | |
|-------------------------------|-----------------------|-----|
| Novelty (N) | Claims <u>1 to 15</u> | YES |
| | Claims <u>None</u> | NO |
| Inventive step (IS) | Claims <u>None</u> | YES |
| | Claims <u>1 to 15</u> | NO |
| Industrial applicability (IA) | Claims <u>1 to 15</u> | YES |
| | Claims <u>None</u> | NO |

2. Citations and explanations :

Reference is made to the following documents that were cited in the International Search Report:

D1: US 6,211,901
D2: WO 00/33565
D3: US 2002/0133826
D4: WO 00/51310
D5: US 6,163,272
D6: WO 01/60070

D1 teaches a video data distributing device that comprises at least one video server having video data storage that stores video data as being encoded according to an efficient encoding technology, wherein a subscriber requests video data from the video server and controls the video server to accept a request to play, fast-forward, rewind, stop, and pause functions.

D2 teaches an entertainment apparatus wherein a viewer manipulates arrow keys on the remote control to highlight a feature of interest, e.g. a particular topical category.

D3 teaches a content searching method in a video-on-demand system comprising the steps of inputting a keyword from a set-top box indicating a characteristic of video content that a user desires to view, sending the keyword to a search server, and searching for the keyword including in the content information stored in the video-on-demand server.

D4 teaches a method that distributes presentations to requesting users. The presentations can include elements such as video, audio, graphics, and data, wherein a user can browse a large number of products, services, and information from which he derives information in the detail he desires.

D5 teaches a method and apparatus for managing the personal identification numbers of customers as well as customer authorization access to an interactive information distribution system.

D6 teaches a system for providing video or radio content to a user terminal comprising means for receiving a request for video or radio content from a user terminal, and means for determining whether the user terminal is suitable for receiving the requested video or radio content.

D1 discloses the essential elements and characteristics of independent claim 1. The video server disclosed in D1 functions similar to the media server disclosed in independent claim 1. The media server disclosed in independent claim 1 transmits video signals requested by a user. The video server disclosed in D1 stores video data. In addition, the subscriber unit disclosed in D1 functions similar to the client player disclosed in independent claim 1. Furthermore, the characteristic of allowing a user to modify the play parameters of a selected video signals is disclosed in D1 wherein a subscriber operates a remote control to control the Video on Demand server to accept a request to play, fast-forward, rewind, stop, and pause the video transmitted (Col. 15 lines 42 to 53).

The main difference between D1 and independent claim 1 is the index frames disclosed in claim 1, wherein these frames are searched to provide a new starting point for display of the selected video signal. This is considered as common general knowledge in the art, because it is considered as common knowledge to use and search index frames in video transmission.

(Continued in Supplemental Box...)

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made :

1.0 Claims

Claim 1 lacks clarity under Article 6 of the PCT. It is not clear how the "client player" that is mentioned in part (b) of the claim accesses the "first series" (line 11). According to part (a) of the aforementioned claim, the "first series" are stored on the "media server". There is no indication in the aforementioned claim that the "first series" are transmitted to the "client player". It is not clear how the "client player" accesses the "first series" when they stored on the "media server". In addition, it is not clear what the first and second series represent. It is clear from the aforementioned claim that they represent "searchable index frames", but it is not clear what "index frames" of the selected video signal they represent.

Claim 11 is directed towards a method of using the system of claim 1. Accordingly, claim 11 lacks clarity under Article 6 of the PCT because of the aforementioned observations.

Claim 12 lacks clarity under Article 6 of the PCT. The expression "wherein prior to step b performing the steps of" mentioned in the preamble of the aforementioned claim is vague and confusing. It is not clear what is being claimed in the aforementioned expression.

Claim 13 lacks clarity under Article 6 of the PCT. It is not clear how the step of "authenticating the user" is achieved. It is not clear how the user authentication is accomplished in the aforementioned claim.

2.0 Description

Page 3 of the description does not meet the requirement of Rule 5 of the PCT for the following reason:

The expression "system and method providing enhanced features" mentioned on line 7 of page 3 of the description is vague and confusing. It appears that a preposition is missing from the aforementioned expression.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V

Therefore, claim 1 lacks an inventive step under Article 33(3) of the PCT from document D1 and the common general knowledge in the art to which the instant application pertains.

Claim 2 is directed towards an additional element to be added to claim 1. Claim 2 discloses a video database that is coupled to the media server and comprising a plurality of videos. D1 discloses a video storage device that stored video data in the video server (Col. 6 lines 10 to 17).

Therefore, claim 2 lacks an inventive step under Article 33(3) of the PCT from document D1 and the common general knowledge in the art to which the instant application pertains.

Claim 3 is directed towards limitations of claim 2, wherein the videos in the video database are in an encoded format. D1 discloses video data that are stored in the video server being encoded (Col. 11 lines 58 to 60).

Therefore, claim 3 lacks an inventive step under Article 33(3) of the PCT from document D1 and the common general knowledge in the art to which the instant application pertains.

Claims 4 and 5 are directed towards additional elements to be added to claim 2. Claims 4 and 5 disclose a plurality of extracted features that are searched to identify a video for display based on a desired criteria represented by the plurality of the extracted features. D2 discloses an entertainment apparatus wherein a viewer manipulates arrow keys on the remote control to highlight a feature of interest (Page 5 lines 9 to 20). D3 discloses a content searching method in a video-on-demand system comprising the steps of inputting a keyword from a set-top box indicating a characteristic of video content that a user desires to view, sending the keyword to a search server, and searching for the keyword including in the content information stored in the video-on-demand server (Page 1 paragraph [0010]).

Therefore, claims 4 and 5 lack an inventive step under Article 33(3) of the PCT from document D1 in light of D2 or D3, and the common general knowledge in the art to which the instant application pertains.

Claims 6 and 7 are directed towards limitations of claim 4, wherein one or more of the plurality of the extracted features is either a word identifier, an image identifier, or a movie clip of one of the videos in the video database. D4 discloses a method that distributes presentations to requesting users, wherein these presentations can include elements such as video, audio, graphics, and data, wherein a user can browse a large number of products, services, and information from which he derives information in the detail he desires (Page 4 lines 25 to 33).

Therefore, claims 6 and 7 lack an inventive step under Article 33(3) of the PCT from document D1, in light of D2 or D3 combined with D4, and the common general knowledge in the art to which the instant application pertains.

Claims 8 and 9 are directed towards additional elements of claim 4. Claims 8 and 9 disclose a video production module that encodes the videos in an encoded format and generates the extracted features. D1 discloses a load state management unit that manages the videos stored in the video server as well as manage the subscribers requests (Col. 6 lines 30 to Col. 7 line 20).

Therefore, claims 8 and 9 lack an inventive step under Article 33(3) of the PCT from document D1 in light of D2 or D3, and the common general knowledge in the art to which the instant application pertains.

Claim 10 is directed towards an additional element of claim 1. Claim 10 discloses a user account management module used for controlling user access. D5 discloses a method and apparatus for managing the personal identification numbers of customers as well as customer authorization access to an interactive information distribution system (Claim 1). D6 discloses a system for providing video or radio content to a user terminal comprising means for receiving a request for video or radio content from a user terminal, and means for determining whether the user terminal is suitable for receiving the requested video or radio content (Abstract).

Therefore, claim 10 lacks an inventive step under Article 33(3) of the PCT from document D1 in light of D5 or D6, and the common general knowledge in the art to which the instant application pertains.

Claim 11 is directed towards a method of using the system of claim 1. Accordingly, the reference applied against claim 1 is also applied against claim 11.

Therefore, claim 11 lacks an inventive step under Article 33(3) of the PCT from document D1, and the common general knowledge in the art to which the instant application pertains.

(Continued in Supplemental Box on Page 7...)

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Supplemental Box on Page 6

Claim 12 disclose the same elements and limitations as claims 4 and 5. Accordingly, the references applied against claims 4 and 5 are also applied against claim 12.

Therefore, claim 12 lacks an inventive step under Article 33(3) of the PCT from document D1 in light of D2 or D3, and the common general knowledge in the art to which the instant application pertains.

Claim 13 discloses the same element and limitation as claim 10. Accordingly, the references applied against claim 10 are also applied against claim 12.

Therefore, claim 13 lacks an inventive step under Article 33(3) of the PCT from document D1 in light of D5 or D6, and the common general knowledge in the art to which the instant application pertains.

Claim 14 discloses the same limitations as claims 8 and 9. Accordingly, the references applied against claims 8 and 9 are also applied against claim 12.

Therefore, claim 14 lacks an inventive step under Article 33(3) of the PCT from document D1 in light of D2 or D3, and the common general knowledge in the art to which the instant application pertains.

Claim 15 discloses a further characteristic of claim 11, wherein the media server is connected a plurality of client players. D1 discloses the video server being connected to a set of subscriber units.

Therefore, claim 15 lacks an inventive step under Article 33(3) of the PCT from document D1, and the common general knowledge in the art to which the instant application pertains.

Novelty - Article 33(2) PCT

Given that no one single document clearly defines the exact method and apparatus for enabling a user to modify play parameters of a selected video signal, the claims are considered to be new. Accordingly, claims 1 to 15 are considered to meet the requirement of Article 33(2) PCT.

Industrial Applicability - Article 33(4) PCT

The subject matter of the instant application pertains to a method and system that enables a user to modify play parameters of a selected video signal. Accordingly, claims 1 to 15 are considered to meet the requirements of Article 33(4) PCT as said claims have industrial applicability.